

Members

Sen. Sue Landske, Chairperson  
Sen. Becky Skillman  
Sen. Billie Breaux  
Sen. Allie Craycraft  
Rep. Duane Cheney  
Rep. Thomas Kromkowski  
Rep. Robert Behning  
Rep. Kathy Richardson



## CENSUS DATA ADVISORY COMMITTEE

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Authority: IC 2-5-19

### MEETING MINUTES<sup>1</sup>

Meeting Date: October 15, 2001  
Meeting Time: 10:00 A.M.  
Meeting Place: State House, 200 W. Washington St., Room 233  
Meeting City: Indianapolis, Indiana  
Meeting Number: 3

**Members Present:** Sen. Becky Skillman; Rep. Duane Cheney; Rep. Thomas Kromkowski; Rep. Robert Behning; Rep. Kathy Richardson.

**Members Absent:** Sen. Sue Landske, Chairperson; Sen. Billie Breaux; Sen. Allie Craycraft.

(1) Call to Order. Senator Landske was unable to attend the meeting. Senator Landske had asked Senator Skillman to preside. Senator Skillman called the meeting to order at approximately 10:10 a.m.

(2) Introduction of Members. Committee members present introduced themselves.

(3) Review of PD 3304 Concerning Redistricting Technical Corrections. The Chair asked staff to discuss PD 3304 concerning redistricting technical corrections.<sup>2</sup> Staff explained that PD 3304 was an update of PD 3164 discussed at the September 17 meeting. Since the September meeting the Office of Census Data had discovered a

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1. Exhibits and other materials referenced in these minutes can be inspected and copied in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for copies may be mailed to the Legislative Information Center, Legislative Services Agency, 200 West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for copies. These minutes are also available on the Internet at the General Assembly homepage. The URL address of the General Assembly homepage is <http://www.ai.org/legislative/>. No fee is charged for viewing, downloading, or printing minutes from the Internet.

2. A copy of PD 3304 is Exhibit 1 to these Minutes.

discontiguity involving House District 18 and House District 49 in Elkhart County. Middlebury 90 precinct was the location of the discontiguity. The bold language in SECTIONS 6 and 8 of PD 3304 correct this problem.

The Chair recognized Maureen Bard from the Office of Census Data to provide additional information about the amendment relating to Middlebury 90. Ms. Bard distributed a map of the area.<sup>3</sup> Ms. Bard said that while Indiana law requires legislative districts to be contiguous, precincts are not required to be contiguous. Because the legislative district maps are based on precincts, it is possible that a district could be discontiguous if it contains a precinct that is not contiguous on its boundary.

Referring to the map, Ms. Bard stated that the discontiguous part of Middlebury 90 affect by the draft consists of one census block containing 31 person, of whom 19 are of voting age population. Ms. Bard reminded the Committee of the statute that assigns geography that has not been assigned or mistakenly assigned geography. The change suggested in the draft places the discontiguous geography in the district where the default statute would have placed it.

Senator Skillman asked whether there are tools built into the database to detect such problems. Ms. Bard replied that the problem with Middlebury 90 was not caught before the redistricting bill was enacted because of the small scale that is used and because of a color coding problem.

Representative Kromkowski asked if there could be similar problems in other counties. Ms. Bard said that she and Mr. Stratton had not found any other problems like this so far, but some circuit court clerks are reporting that some precinct boundaries depicted in the redistricting database are not correct. They found the problem with Middlebury 90 after they began a more thorough review of the maps than was possible during the 2001 Session. Representative Kromkowski asked whether more such problems were anticipated. Ms. Bard said that the review of the maps is ongoing, but not complete; it is impossible to predict what might be found.

Representative Richardson asked whether Elkhart County has corrected the problem. Ms. Bard said that the Elkhart County circuit court clerk is aware of the problem and it is likely that the discontiguous part of Middlebury 90 will become part of a separate precinct.

Staff suggested that the Committee not take action on PD 3304 until the Committee's final meeting so that any additional problems could be incorporated into the final draft of the redistricting corrections bill. Staff also informed the Committee that the technical corrections draft presented by the Election Division was still under discussion, but there was nothing to present to the Committee at this meeting.

(4) Review of PD 3305 Concerning Adjusting Census Numbers in Statutes - References to "Congressional Districts". The Chair asked staff to discuss PD 3305 concerning references to congressional districts in Indiana statutes.<sup>4</sup> Staff explained that PD 3312 was the same as PD 3165 discussed at the September 17 meeting with the exception of the elimination of two SECTIONS from the previous draft. These SECTIONS have been removed because of information discovered by fiscal staff since the previous

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3. A copy of the map is Exhibit 2 to these Minutes.

4. A copy of PD 3305 is Exhibit 3 to these Minutes.

meeting.

The SECTION that would have amended IC 7.1-3-22-1 concerning brewers permits has been removed because it has been discovered that there is only one brewer's permit in existence, currently held on an inactive basis by a person in the Evansville area.<sup>5</sup> It is therefore unnecessary to amend the provision in the alcoholic beverage law because the statute as it now stands will not be affected by the loss of a congressional district.

The other SECTION that was eliminated would have amended IC 20-10.1-27-11 which is part of a statute establishing an "anti-gang counseling" pilot program. The statute provides that not more than three pilot programs may be established in any congressional district. Staff has learned from the Department of Education that no pilot programs have been established so far. It is therefore not necessary to amend this statute.

Staff told the Committee that a Noncode SECTION had not yet been written to permit board members who find themselves as residents of the same congressional district after the drawing of the new districts to serve out the remainder of their terms. This provision will be ready for the next meeting.

(5) Review of PD 3312 Concerning Adjusting Census Numbers in Statutes - Changes in Population Parameters. The Chair asked staff to discuss PD 3312 concerning changing population parameters in statutes.<sup>6</sup> In addition to the SECTIONS in the draft, staff discussed other statutes containing population parameters so the Committee could define the scope of the project.

Staff discussed IC 3-8-5-1 which provides that towns with a population of less than 3,500 nominate candidates for town offices at political party conventions instead of holding a primary election. Staff reported that several towns have grown above the 3,500 ceiling while the populations of two Indiana towns have decreased to less than 3,500. The towns in the former category would not be permitted to hold a town convention after April 1, 2002 while those in the latter category would be permitted to hold town conventions.

Staff also discussed a similar statute, IC 3-10-5-5, which apportions delegates to a convention to ratify an amendment to the United States Constitution based on the population of the county.

In response to a question from Senator Skillman, staff said that no recommendation was made with respect to IC 3-8-5-1 because it is a legislative decision regarding how large a town should be to hold town conventions. Staff brings this statute to the Committee as an example of the kinds of statutes that have only a single population parameter. Another example is IC 36-4-1-1, regarding classification of cities which was discussed at a previous meeting. Staff asked whether the Committee wanted to deal with this kind of statute. Senator Skillman said that the Committee should hear the opinion of the Indiana Association of Cities and Towns on this matter.

Matt Brase, representing the Indiana Association of Cities and Towns, discussed the application of IC 36-4-1-1, telling the Committee that after amendments made to the

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5. This statute provides that there may be only one brewer's permit for each 175,000 unit of population in Indiana and that not more than four brewer's permits may be issued in any congressional district.

6. A copy of PD 3312 is Exhibit 4 to these Minutes.

statute since 1990, it is within the discretion of a city that moves above or below the 35,000 population threshold whether to change its classification or remain in its existing classification. He said that it would be beneficial if there was a process to notify cities and towns of any changes in status that resulted in a change of legal application to the municipalities.

After discussion among Committee members, Senator Skillman said that the Committee generally would not consider changes to statutes with a single parameter, such as IC 3-8-5-1 and IC 36-4-1-1 unless the Indiana Association of Cities and Towns or the Association of Indiana Counties recommended changes in particular instances.

Staff then discussed each of the SECTIONS contained in PD 3312 as follows:

- ' SECTIONS 1 and 2 relate to the establishment of a county board of elections and registration in Tippecanoe County.<sup>7</sup> The parameters in these statutes will not describe Tippecanoe County after April 1, 2002.
- ' SECTIONS 3 and 4 provide for the staggering of the members of the town board of Clermont.<sup>8</sup> The population of Clermont has declined from 1990 to 2000.
- ' SECTION 5 relates to township legislative body districts in Marion County. The parameter in IC 3-11-1.5-32.5 will continue to describe Marion County after April 1, 2002; the amendment is suggested to conform the statute to style (which is to describe Marion County as "a county containing a consolidated city") which would also make the statute consistent with other statutes describing Marion County.
- ' SECTION 6 would amend IC 11-12-6-11.1 which concerns distribution of money by the Department of Correction to each county's misdemeanor fund. Section 11.1(b) establishes a multiplier used in a distribution formula. The multiplier is equal to the population of the county divided by the population of the state. All of these numbers will change following the 2000 Census.
- ' SECTIONS 7 through 10 and SECTION 12<sup>9</sup> relate to budgets and tax levies for school corporations. The parameters amended in these SECTIONS describe the City of South Bend. Beginning April 1, 2002, these parameters will describe the City of Gary and not South Bend.
- ' SECTION 11 amends IC 25-37-1-15 which permits Parke County to require holders of registered retail merchant's certificates to obtain a transient merchant license. The parameters in this statute will not describe any Indiana County after March 31, 2002.

(6) Public Testimony. There were no individuals who wished to speak at this meeting.

Senator Skillman distributed a proposed amendment to the Indiana Code to add a

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7. See IC 3-6-5-1 and IC 3-6-5.4-1.

8. See IC 3-10-6-2.5 and IC 3-10-7-2.5.

9. See IC 6-1.1-17-5, IC 6-1.1-17-5.6, IC 21-2-11.5-3.1, IC 21-2-15-5, and P.L.178-2001, SEC.7.

proposed new IC 6-1.1-18.5-10.6 that would permit counties to purchase new voting systems outside the property tax levy limits with restrictions.<sup>10</sup> Senator Skillman asked Committee members to review this proposal as an alternative to SECTIONS 9 and 10 of PD 3162 discussed at the Committee's September 17 meeting.<sup>11</sup> The Committee would not take action on the proposal at this meeting.

The Chair recognized Ms. Bard to describe the process the Census Bureau will be using to review mistakes in reporting census data. Ms. Bard also said that the Census Bureau has developed programs to enable the Bureau to update census data more frequently. This ability to update data more frequently may result in political subdivisions obtaining special censuses more frequently and increasing the probability that political subdivisions will move in or out of statutes having population parameters.

Senator Skillman asked often can the population of a political subdivision change during a ten-year period. Staff responded by citing the example of the Town of Fishers for which three special censuses were done between 1990 and 2000. The town grew from a population of a little more than 7,000 after the 1990 Census to near 29,000 after the town's last special census. Staff described the process in IC 1-1-3.5 for a change in a political subdivision's census to become effective for purposes of Indiana law. Under Indiana law, the data from the Census Bureau becomes effective on April 1 of the year after the data is delivered to the Governor.<sup>12</sup> Consequently, all of the 2000 Census numbers become effective for purposes of Indiana statutes on April 1, 2002 because the Governor received the data in 2001.

Representative Kromkowski asked if a process could be developed under which the Legislative Services Agency could provide the Committee and the Legislative Council with a report of changes in population data resulting from special censuses. Senator Skillman observed that it would be cumbersome every two years to consider changes in statutes because of changed population data. There was discussion on this point.

There was also discussion of the effect that changes in population have on statutes that distribute money based on population. Staff told the Committee that when the Census Bureau does a special census for a political subdivision, the Bureau does not necessarily adjust data for larger political units containing the political subdivision. This can cause an ambiguity when a funding statute distributes money based on the relative sizes of political subdivisions.

Mr. Brase explained the process for municipalities to challenge the results of the 2000 Census. Ms. Bard explained the Census Bureau's American Community Survey which will begin using sampled data to project population changes. She also observed how changes in a municipality's corporate boundaries provide reasons for obtaining updated population information through a special census.

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10. A copy of Senator Skillman's proposal is Exhibit 5 to these Minutes.

11. SECTIONS 9 and 10 of PD 3162 propose to limit the state match of county expenditures from the voting system improvement fund and the voting system education fund to not more than 50% of local expenditures. Under current law, the state must match local expenditures dollar for dollar.

12. See IC 1-1-3.5-3(a).

(7) Select Next Meeting Date. Senator Skillman tentatively set the next meeting date to be Thursday, November 1 at 10:00 a.m. Staff was directed to confirm this date with Senator Landske before issuing a meeting notice.

(8) Adjournment. Senator Skillman adjourned the meeting at approximately 11:25 a.m.